

# **EXHIBIT 13**

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 - - - - -x

5 SERGEY LEONTIEV,

6 Plaintiff,

Case No. 16-cv-3595

7 -against-

8 ALEXANDER VARSHAVSKY,

9 Defendant.

10 - - - - -x

11 January 17, 2017

12 7:10 a.m.

13  
14  
15 Videoconference deposition  
16 of IRINA MONAKHOVA, taken by Plaintiff,  
17 pursuant to Notice, held at the offices of  
18 Gibson, Dunn & Crutcher LLP, 200 Park  
19 Avenue, New York, New York, before  
20 Sharon Lengel, a Registered Professional  
21 Reporter, Certified Realtime Reporter, and  
22 Notary Public of the State of New York.

23  
24 \* \* \*  
25

A P P E A R A N C E S:

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(Appearing via videoconference)

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BY: SEAN HECKER, ESQ.  
NICHOLAS C. TOMPKINS, ESQ.

-and-

JANE SHVETS, ESQ.  
(Appearing via videoconference)

ALSO PRESENT:

ANNA MAZUROVA, Interpreter

\* \* \*

1 MONAKHOVA

2 your counsel posited?

3 A. Yes. I gave them access. That  
4 was a whole process. People came, and I  
5 gave them access to all files, including  
6 the Ambika files, where I kept all the  
7 information on the subject. I don't know  
8 what exactly they retrieved, but they  
9 certainly had access to my computer.

10 THE INTERPRETER: May the  
11 interpreter instruct the witness to  
12 make breaks after parts of statements.

13 MR. KING: It's fine with me.  
14 You'll have to tell her.

15 THE WITNESS: I didn't hear you  
16 well, but I have a question too. I  
17 wasn't sure whether you translated as  
18 "I gave the reply" or "I gave access."

19 MR. KING: Okay.

20 BY MR. KING:

21 Q. Could you tell us what your  
22 current employment position is.

23 A. At present, I am general  
24 director of managing company.

25 Q. And what's the name of the

1 MONAKHOVA

2 managing company?

3 A. Akita.

4 Q. How long have you been the  
5 general director of Akita?

6 A. Since end of 2015.

7 Q. And prior to that time, what was  
8 your position?

9 A. Prior to that, I was general  
10 director of such companies as Aviron  
11 Plaza, Olymp, ERK Invest, and CFO of --  
12 let me put it like this -- our  
13 corporation.

14 Q. Did you have the position of  
15 financial director of Aviron Automobile  
16 Group?

17 A. Yes.

18 Q. When Akita was formed and you  
19 became general director of that company,  
20 did your role change with respect to your  
21 management responsibilities?

22 A. Yes.

23 Q. How did your role change?

24 A. I assumed -- I assumed  
25 responsibility for administrative

1 MONAKHOVA

2 director of Avilon, who did you report to?

3 A. The shareholders.

4 Q. And who are the shareholders  
5 that you're referring to?

6 A. Alexander Varshavsky and Kamo  
7 Avagumyan.

8 Q. When you were financial director  
9 of Avilon, did you sometimes manage  
10 Mr. Varshavsky's personal finances?

11 MR. HECKER: Objection to form.  
12 Vague. You can answer.

13 A. Could you specify what you mean  
14 exactly when you refer to Mr. Varshavsky's  
15 personal finances?

16 Q. Did you ever arrange loans to  
17 Mr. Varshavsky individually?

18 A. No.

19 Q. Did you ever manage  
20 Mr. Varshavsky's bank accounts that were  
21 maintained in his individual name?

22 A. No.

23 Q. How long did you work for  
24 Avilon?

25 A. I started working for Avilon in

1 MONAKHOVA

2 Q. So you held the same position  
3 from 2004 through 2015 at Aviron; is that  
4 correct?

5 A. No.

6 Q. Okay. Tell me what positions  
7 you held during your time at Aviron.

8 A. I remained Aviron financial  
9 director up until 2008. As of 2008, I  
10 became financial director of Aviron, the  
11 group of companies called Auto Logistics,  
12 and the group of companies called ERK.  
13 Auto Logistics or, in Russian,  
14 Avtologistica.

15 In 2010, in addition to my  
16 previous duties, I acquired the duties of  
17 general director in relation to all the  
18 companies that I listed. And I still have  
19 the duties of general director, as we  
20 speak. In 2015, I received the duties of  
21 the general director of the managing  
22 company.

23 Q. Okay. Have you ever met or  
24 spoken with Sergey Leontiev?

25 A. Yes.

1 MONAKHOVA

2 Q. How many times?

3 A. Once.

4 Q. When was that?

5 A. That was in mid-August 2015.

6 Q. Prior to that time, had you ever  
7 spoken to him?

8 A. No.

9 Q. Were you involved in Aviron  
10 making a loan to Ambika in December of  
11 2008?

12 A. Yes.

13 Q. What was your involvement?

14 A. I controlled the deal.

15 Q. What does that mean, you  
16 controlled the deal?

17 A. I controlled it to the effect of  
18 making sure it goes through, making sure  
19 that everything goes right.

20 Q. How did -- how did it come to be  
21 that Aviron made a loan to Ambika in 2008?

22 A. In 2008, Alexander Varshavsky  
23 charged me with placing money on the terms  
24 previously discussed with Mr. Zheleznyak,  
25 and that was the way it was arranged. And



1 MONAKHOVA

2 my task was to execute all of it.

3 Q. At the time, Aviron was known as  
4 New York Motors Moscow; is that correct?

5 A. Correct.

6 Q. So you learned about this  
7 transaction from Mr. Varshavsky; correct?

8 A. What I learned from  
9 Mr. Varshavsky is that it was necessary to  
10 place the money.

11 Q. Why was -- did he tell you why  
12 it was necessary to place the money?

13 MR. HECKER: Objection to form.  
14 Foundation.

15 A. No.

16 Q. Did he tell you how much money  
17 was going to be placed?

18 A. Yes.

19 Q. What did he tell you?

20 A. He said that the amount of  
21 19.900 was to be placed.

22 Q. \$19.9 million?

23 A. Yes.

24 Q. And he told you he had agreed  
25 upon terms with Mr. Zheleznyak?

1 MONAKHOVA

2 A. Yes.

3 Q. What did he tell you the terms  
4 were going to be?

5 A. He gave me the interest rate.

6 Q. Do you recall what the interest  
7 rate was?

8 A. No.

9 Q. Do you recall anything else he  
10 told you about the terms?

11 A. No.

12 Q. Do you believe he told you  
13 anything else about the terms?

14 MR. HECKER: Objection to form.  
15 Foundation.

16 A. I don't quite recall, and I'm  
17 not sure I understand what you are talking  
18 about. What is it specifically that  
19 interests you?

20 Q. Did Mr. Varshavsky tell you  
21 anything else about the terms of the  
22 placement?

23 A. I don't think so. I don't think  
24 so.

25 Q. Did Mr. Varshavsky mention

1 MONAKHOVA

2 Ambika as the counterparty?

3 A. No.

4 Q. How did you come to learn that  
5 the money would be loaned to Ambika?

6 A. Because that company was  
7 suggested by Zheleznyak's representatives.

8 Q. Okay. Explain that to me.  
9 What do you mean that was  
10 suggested by Mr. Zheleznyak's  
11 representatives?

12 A. Well, I don't know English. To  
13 that extent, it was not suggested. It was  
14 given. It was given.

15 Q. Okay. Let's go back a second.

16 After Mr. Varshavsky told you it  
17 was necessary to place money, what did you  
18 do with respect to this transaction?

19 A. I got in touch with  
20 Mr. Zheleznyak's contact person and  
21 discussed the structure of the transaction  
22 and who will be involved on our part.  
23 Then people on my side started working  
24 together with people on their side to  
25 structure the transaction.

1 MONAKHOVA

2 Q. Who was it that Mr. Zheleznyak  
3 put you in touch with as his contact  
4 person?

5 MR. HECKER: Objection to form.  
6 Foundation.

7 MS. SHVETS: Just -- I think the  
8 translation was a bit off. You asked  
9 to whom -- with whom Zheleznyak put  
10 her in touch with.

11 MR. KING: Let me ask it again.

12 THE INTERPRETER: The  
13 interpreter stands corrected.

14 MR. KING: Let me ask it again,  
15 and we'll clean it up.

16 Q. Who was the contact person that  
17 you got in touch with?

18 A. Yana Krisjuk.

19 Q. And you and she discussed the  
20 structure of the transaction?

21 A. Me and her discussed -- let me  
22 put it like this -- the general picture of  
23 the transaction, how it will take place,  
24 and who will be involved on each side.

25 Q. What was the general picture of

1 MONAKHOVA

2 the transaction that you discussed with  
3 her?

4 A. Yana gave me the name of the  
5 company for who the money would be placed.  
6 We discussed the interest rate, and she  
7 confirmed the interest rate at which the  
8 money would be placed. She had received  
9 the interest rates from Zheleznyak, and I  
10 had received mine from Varshavsky, and we  
11 made sure that the amount was the same.  
12 She gave me the contacts -- the contact  
13 name for her lawyers, and I gave her mine,  
14 those that were already preparing the  
15 agreements.

16 Q. Who did she tell you would be  
17 the lawyers and contacts involved on their  
18 side?

19 A. I don't recall.

20 Q. And who did you give as the  
21 contact people on your side?

22 A. I don't quite recall, but  
23 probably the name of the head of the law  
24 department at the time.

25 Q. And do you recall who that was?

1 MONAKHOVA

2 Q. Did you ask anyone at Aviron to  
3 perform any diligence on Ambika?

4 A. No.

5 Q. What was your understanding of  
6 what Ambika would do with the money?

7 A. I had no understanding  
8 whatsoever of what Ambika would do with  
9 the money.

10 Q. Where did Aviron get the money  
11 that it loaned to Ambika?

12 MR. HECKER: Objection to form.  
13 Vague.

14 A. The money came to our account  
15 from New York Motors Corporation.

16 Q. What was New York Motors  
17 Corporation?

18 A. This is one of the shareholder  
19 companies, one of our shareholders.

20 Q. And how was it decided that the  
21 money would come to Aviron from New York  
22 Motors Corporation?

23 A. I know nothing about it.

24 Q. Have you ever heard the phrase  
25 "technical loan"?

1 MONAKHOVA

2 term of the loan approached its  
3 termination each year, Aviron decided to  
4 extend the loan by an additional year?

5 MR. HECKER: Objection to the  
6 form. You can answer.

7 A. I recall Aviron annually  
8 renewing this placement, these loans.

9 Q. And who at Aviron was involved  
10 in deciding to renew the placement?

11 A. The shareholders.

12 Q. Did you -- were you involved  
13 each year in deciding to renew the  
14 placement?

15 A. No.

16 Q. You signed each of these  
17 agreements; correct?

18 A. Yes.

19 Q. Did you discuss whether the  
20 loans should be renewed with anyone at  
21 Aviron each year?

22 A. No.

23 Q. When you said that the  
24 shareholders were involved in deciding to  
25 renew the placement, how did you know

1 MONAKHOVA

2 that?

3 A. Because there could be no  
4 agreement renewal without the shareholders  
5 making this decision. That was simply  
6 impossible.

7 Q. And who was involved in  
8 documenting the renewals?

9 A. The working group, that included  
10 lawyers and finance people.

11 Q. Do you recall in specific who  
12 that was?

13 A. No.

14 MR. KING: This is a good time  
15 for a break.

16 (Recess)

17 BY MR. KING:

18 Q. Ms. Monakhova, am I correct that  
19 the interest rate on the loan that was  
20 originally made in 2008 changed from time  
21 to time?

22 A. Yes.

23 Q. And who was involved in any  
24 negotiations concerning the changes to the  
25 interest rate?



1 MONAKHOVA

2 A. The interest rate was always  
3 agreed upon by the shareholders on one  
4 side and Zheleznyak and Leontiev on the  
5 other.

6 Q. Okay. And who do you mean when  
7 you say "the shareholders"?

8 A. Varshavsky and Avagumyan.

9 Q. So is it your understanding that  
10 both Mr. Varshavsky and Mr. Avagumyan had  
11 discussions with Mr. Zheleznyak and  
12 Mr. Leontiev when interest rates were  
13 changing?

14 A. I don't know in what form the  
15 agreement was reached, whether it was done  
16 by correspondence, whether everyone  
17 participated in it. But there was always  
18 an agreement between our shareholders and  
19 Zheleznyak and Leontiev.

20 Q. Okay. And how do you know that?

21 A. The fact that all decisions of  
22 this level -- the shareholder level  
23 decisions are always agreed upon by our  
24 shareholders is something I know from my  
25 everyday practice.

1 MONAKHOVA

2 Q. Am I correct that you recall no  
3 discussions about whether there should be  
4 a bank guarantee in connection with the  
5 2008 loan from Avilon to Ambika or any of  
6 its extensions?

7 A. I don't recall.

8 Q. Do you recall whether Avilon  
9 requested any guarantees from Mr. Leontiev  
10 concerning repayment of the loan made in  
11 2008?

12 MR. HECKER: Objection. Vague  
13 as to time. You can answer.

14 A. Can you please specify the  
15 question, what period of time is at issue?

16 Q. At the time that Avilon entered  
17 into the 2008 loan with Ambika, did it  
18 request any guarantee of repayment from  
19 Mr. Leontiev?

20 A. I don't recall.

21 Q. Who within the law department or  
22 the finance department of Avilon was  
23 responsible for determining what  
24 guarantees would be requested?

25 MR. HECKER: Objection to form.

1 MONAKHOVA

2 You can answer.

3 A. The structure of the agreement  
4 of the loan, of the set of documents, was  
5 determined by the working group. Members  
6 of the working group were designated -- as  
7 for the finance people, those were  
8 designated by the chief accountant. As  
9 for the lawyers, they were designated by  
10 the head of the law department.

11 Q. Okay. And who was the chief  
12 accountant?

13 A. Yulia Semenova.

14 Q. Do you recall anyone who was  
15 part of the working group by name?

16 A. No, I don't.

17 Q. Okay.

18 MR. KING: Let's put in front of  
19 the witness what's behind Tab 7A.  
20 That's a document previously marked as  
21 Plaintiff's Exhibit 8.

22 Q. Do you recognize the first page  
23 of Exhibit 8 as a loan agreement between  
24 European Realty Corp and New York Motors  
25 Moscow?

1 MONAKHOVA

2 A. I see a copy of the document  
3 which is called the loan agreement of  
4 December 17, 2008, between the European  
5 Realty Corp and New York Motors Moscow,  
6 and I recognize my signature.

7 Q. Does seeing this document  
8 refresh your recollection that the money  
9 that Avilon loaned to Ambika came from  
10 European Realty Corp and not from New York  
11 Motors Corp?

12 A. It is possible.

13 Q. Who negotiated the terms of this  
14 loan agreement?

15 A. The instructions came to me from  
16 the shareholders.

17 Q. Okay. What do you mean by "the  
18 shareholders"?

19 A. I mean Alexander Varshavsky and  
20 Kamo Avagumyan.

21 Q. And what did Mr. Varshavsky and  
22 Mr. Avagumyan say about the agreement with  
23 European Realty Corp?

24 A. I don't recall exactly.

25 Q. Do you recall generally?

1 MONAKHOVA

2 her recollection as to whether those  
3 things happened.

4 A. No, I don't recall.

5 Q. Do you recall any discussion  
6 with anyone at Avilon about whether  
7 Avilon's claims against Ambika should be  
8 assigned to European Realty?

9 A. No, I don't recall.

10 Q. What is European Realty Corp?

11 A. One of our shareholders.

12 Q. And who owns European Realty  
13 Corp?

14 A. Alexander Varshavsky and Igor  
15 Bakonenko.

16 Q. Do you recall any discussion  
17 with Mr. Varshavsky about assigning  
18 Avilon's rights under the loan agreement  
19 with Ambika to European Realty?

20 A. No, I do not.

21 Q. What's the current status of the  
22 loan between European Realty and Avilon?

23 A. Avilon owes 900 -- or, rather,  
24 \$19.9 million to European Realty  
25 Corporation.

1 MONAKHOVA

2 Q. What do you recall about that  
3 additional loan?

4 A. I recall that the amount was  
5 more than 6 million.

6 Q. And how did you learn about this  
7 additional -- that this additional loan  
8 would be made?

9 A. I received instructions from the  
10 shareholders.

11 Q. Which of your shareholders did  
12 you receive instructions from?

13 A. Either Alexander Varshavsky or  
14 Kamo Avagumyan. I don't remember exactly.

15 Q. Do you remember what you were  
16 told about the loan?

17 A. That we must place it similarly  
18 to the 19.9.

19 Q. And did you do anything to  
20 implement the transaction?

21 A. Yes.

22 Q. What did you do?

23 A. I gave instructions to my  
24 employees to place the money similar to  
25 the way that 19.9 was placed.

1 MONAKHOVA

2 Q. When you say "similar to the way  
3 the 19.9 was placed," do you mean that  
4 your instructions were to make the loan to  
5 Ambika?

6 MR. HECKER: Objection to form.  
7 You can answer.

8 A. No.

9 Q. Was the loan made to Ambika?

10 A. Possibly.

11 MR. KING: Let's show the  
12 witness Tab 3, which is previously  
13 marked as Plaintiff's Exhibit 12.

14 Q. Let me know if you recognize the  
15 first three pages of Exhibit 12 as a loan  
16 agreement entered into between Avilon and  
17 Ambika in September of 2011.

18 A. I see that this is an agreement.  
19 The copy of the document says it was made  
20 on September 1, 2011, between Avilon and  
21 Ambika, and, yes, I recognize my  
22 signature.

23 Q. At the time you entered into  
24 this loan agreement, did you know anything  
25 more about Ambika than you knew in 2008?

1 MONAKHOVA

2 A. No.

3 Q. Did you do any additional  
4 research into Ambika prior to entering the  
5 2011 loan agreement?

6 A. No.

7 Q. Did you review Ambika's  
8 financial statements before entering into  
9 the loan agreement in 2011?

10 A. No.

11 Q. Did you ask any members of your  
12 staff to do any research or any diligence  
13 into Ambika prior to entering the 2011  
14 loan agreement?

15 A. No.

16 Q. Who agreed to the interest rate  
17 that was to be paid in connection with the  
18 loan agreement in 2011?

19 A. The shareholders.

20 Q. Do you recall which of your  
21 shareholders agreed to it?

22 A. No.

23 Q. Do you recall any role that  
24 Probusinessbank had with respect to the  
25 2011 loan agreement?



1 MONAKHOVA

2 A. Same as with the preceding loan  
3 of 19.9. Probusinessbank played no role  
4 for this transaction.

5 Q. Did Probusinessbank issue bank  
6 guarantees in connection with this  
7 transaction?

8 A. I don't recall.

9 Q. Did you request any guarantees  
10 of the loan repayment at the time the 2011  
11 loan was entered into?

12 A. I did not request any guarantees  
13 of the loan repayment.

14 Q. Do you know if anyone on your  
15 staff requested any bank guarantees of the  
16 loan repayment?

17 A. I don't know.

18 MR. KING: We're going to mark  
19 another document. This one is Tab 23,  
20 Vladimir.

21 (Plaintiff's Exhibit 125, An  
22 email, Bates SL0033741, was hereby  
23 marked for identification, as of this  
24 date.)

25 Q. Exhibit 125 is a three-page

1 MONAKHOVA

2 guarantee from anyone else at the time the  
3 2011 loan was entered into or any of its  
4 additional agreements were entered into?

5 MR. HECKER: Objection to form.

6 A. I don't recall.

7 Q. Okay.

8 MR. KING: We'll take a short  
9 break.

10 MR. HECKER: As long as we have  
11 you on the video, it's, like, a little  
12 after 7:00 there. You should tell us  
13 if you're hungry and you want to take  
14 a break long enough to eat something  
15 before we reconvene. It's up to you.

16 MS. SHVETS: We're fine.

17 MR. HECKER: Okay.

18 MR. KING: All right. Take a  
19 short break, then.

20 (Recess)

21 BY MR. KING:

22 Q. With respect to the  
23 6.625 million loan in 2011, do you know  
24 where Avilon got the money that it then  
25 loaned to Ambika?

1 MONAKHOVA

2 A. The money came from TO Jets  
3 company.

4 Q. Just a second.

5 (Pause)

6 Q. Why -- let me ask that again.  
7 Did Avilon borrow money from TO  
8 Jets?

9 A. Yes.

10 Q. Why did Avilon borrow money from  
11 TO Jets?

12 A. I don't know.

13 Q. How did you find out that Avilon  
14 was going to borrow money from TO Jets?

15 A. I don't recall.

16 Q. Does Mr. Varshavsky have any  
17 ownership interest in TO Jets?

18 A. No.

19 Q. Who decided that Avilon was  
20 going to borrow money from TO Jets?

21 A. I don't know.

22 Q. Do you recall any discussions  
23 with anyone at Avilon about the fact that  
24 it was going to be borrowing money from TO  
25 Jets?

1 MONAKHOVA

2 Foundation.

3 A. I don't recall.

4 Q. What's the current status of the  
5 loan from TO Jets to Aviron?

6 A. It is still open. We still owe  
7 the money.

8 Q. During the period of time when  
9 Aviron was receiving interest payments  
10 from Ambika, was Aviron passing on those  
11 interest payments to TO Jets?

12 A. I don't recall.

13 Q. Do you ever recall being advised  
14 or asked -- sorry. Let me start that  
15 again.

16 Do you ever recall being asked  
17 why Aviron was making interest payments to  
18 European Realty Corporation that were owed  
19 to TO Jets?

20 A. I don't recall.

21 MR. KING: Let's show the  
22 witness Tab 25. It's a document that  
23 was previously marked as Exhibit 31.

24 Q. So Exhibit 31 is a two-page  
25 Russian email chain, Bates Nos. AVPE3360

1 MONAKHOVA

2 should I put it -- this -- Aylon  
3 corporation, it had nothing to do with it,  
4 but there were companies, structures,  
5 businesses, but it was not related. It  
6 had nothing to do with it.

7 Q. Who owned --

8 A. The corporation.

9 Q. Who owned Sanbay?

10 A. Karen Avagumyan.

11 Q. And who is Karen Avagumyan?

12 A. The brother of one of our  
13 shareholders.

14 Q. And do you have any  
15 understanding of why certain interest that  
16 was payable to TO Jets was going to be  
17 paid to this company instead?

18 A. I don't know.

19 Q. Did you ever manage any  
20 financial transactions on behalf of  
21 Sanbay?

22 MR. HECKER: Objection to form.  
23 You can answer.

24 A. Some transactions that went  
25 through Sanbay were implemented under my

1 MONAKHOVA

2 control.

3 Q. What kind of transactions went  
4 through Sanbay that were implemented under  
5 your control?

6 A. I cannot tell exactly. Ask me a  
7 specific question. Otherwise, I don't  
8 recall.

9 Q. Do you remember any transaction  
10 that went through Sanbay that was  
11 implemented under your control?

12 A. I don't recall.

13 Q. Did you ever arrange for a loan  
14 to be made to Sanbay by Probusinessbank or  
15 a company controlled by Probusinessbank?

16 A. I don't recall.

17 MR. KING: Let's show the  
18 witness another document, Tab 5B,  
19 previously marked as exhibit --  
20 Plaintiff's Exhibit 28.

21 MR. KHRENOV: I'm actually  
22 missing 5B, Marshall.

23 MR. KING: That's okay. We'll  
24 move on.

25 MR. KHRENOV: I'm sorry. I just

1 MONAKHOVA

2 the answer. Popov said that the guarantee  
3 was -- such as it were, was at Yana's  
4 place. Whether they were there or they  
5 weren't there, no one ever did anything.  
6 No one ever found anything. I don't know  
7 whether there was an effort to really do  
8 something about it or simply to imitate an  
9 activity. This is still unknown as of  
10 today. It is still unknown today whether  
11 these guarantees existed, these documents.  
12 No one knows.

13 Q. This morning, or this afternoon  
14 your time, you mentioned that you had been  
15 in one meeting with Mr. Leontiev in  
16 August 2015.

17 Do you recall that testimony?

18 A. Yes.

19 Q. What do you recall about that  
20 meeting?

21 A. I recall that that was a meeting  
22 between me, Varshavsky, Leontiev, and  
23 Zheleznyak. And I recall that we asked  
24 Leontiev and Zheleznyak whether the  
25 revocation of Probusinessbank license

1 MONAKHOVA

2 would affect the repayment of debt on  
3 other companies. Leontiev and Zheleznyak  
4 confirmed that the total amount owed was  
5 100 million USD, without interest, and  
6 that they would repay the debt, and the  
7 license revocation would not affect it.  
8 The only thing, according to them, that we  
9 needed to discuss was the structure of the  
10 transaction for debt repayment.

11 Q. Why was it that you were asking  
12 whether the revocation of  
13 Probusinessbank's license would affect the  
14 repayment of the debt on other companies?

15 A. We did not ask that specific  
16 question, at least I do not recall asking  
17 the question. I do not recall us asking  
18 the question. I know for sure that what  
19 we discussed was repayment of the money by  
20 Ambika.

21 Q. Okay. So --

22 A. Okay. From Ambika. The total  
23 amount of the debt, \$1 million, included,  
24 among other things, Ambika's debt.

25 MR. HECKER: 100 million?



1 MONAKHOVA

2 discussed the debt and the amount of  
3 \$100 million. That amount included  
4 Ambika's debt. A part of that amount was  
5 Ambika's debt.

6 Q. Did you also discuss whether  
7 there was debt owed to anyone other than  
8 Avilon?

9 A. Let me repeat once again.

10 We discussed the amount of 100  
11 million. Only approximately 40 million of  
12 that amount was Ambika's debt.  
13 Correspondingly, the remaining money --  
14 correspondingly, the remaining amount was  
15 owed to other individuals.

16 Q. Did you discuss --

17 A. But we did not discuss who  
18 exactly at that particular meeting.

19 Q. Did you discuss who exactly owed  
20 the balance of the money?

21 A. At that meeting, we did not.

22 Q. Okay. How long did the meeting  
23 with Mr. Zheleznyak and Mr. Leontiev last?

24 A. I don't recall. Probably about  
25 an hour.

1 MONAKHOVA

2 Q. Okay. What else do you recall  
3 about the meeting? What else was  
4 discussed at the meeting?

5 A. I recall them saying that the  
6 money was invested into securities and  
7 that it is alive, it is safe and sound,  
8 the money, and that everything will be  
9 repaid; not to worry.

10 Q. Did you discuss what the  
11 structure of the repayment would be?

12 A. No.

13 Q. Did you agree that you would  
14 have further discussions concerning the  
15 structure of the repayment?

16 A. Yes.

17 Q. And that was the first and only  
18 time that you were ever part of a  
19 conversation with Mr. Leontiev; correct?

20 A. Yes.

21 Q. Did Mr. Varshavsky ever  
22 communicate to you any discussion -- any  
23 other discussions that he had with  
24 Mr. Leontiev?

25 A. No.

1 MONAKHOVA

2 removed from the amount?

3 A. No.

4 Q. Did you understand who was going  
5 to be paying the 19 million?

6 A. Who was going to be paying? I  
7 understand that.

8 Q. And who was going to be paying  
9 the 19 million?

10 A. Leontiev. Leontiev.

11 Q. You see that Mr. Zheleznyak  
12 said, "There will be a separate agreement  
13 with a different person for that"?

14 Who did you understand that  
15 different person --

16 A. Yes.

17 Q. Sorry.

18 A. I have no idea.

19 Q. Okay. If you look at page 4200,  
20 is this you sending Mr. Zheleznyak a  
21 revised schedule and amounts of repayment?

22 A. Yes.

23 Q. And the amounts set forth in  
24 this schedule are less than the amounts  
25 that were set forth in your original

1 MONAKHOVA

2 schedule; is that correct?

3 A. Correct.

4 Q. Was there ever an agreement  
5 signed that -- in which Mr. Leontiev  
6 agreed to repay these amounts on the  
7 schedule?

8 A. No.

9 Q. And --

10 A. It is not known to me.

11 Q. What were the debts that went  
12 into the schedule that was set forth here?

13 A. I know that that includes Ambika  
14 debt minus -- minus what they had already  
15 paid. And they had paid 17 million.  
16 Correspondingly, it is Ambika's debt minus  
17 17 million.

18 Q. And then there were some debts  
19 that were not owed to Avilon; is that  
20 correct?

21 MR. HECKER: Objection to the  
22 form. You can answer.

23 A. Yes.

24 Q. And who were those debts owed  
25 to?

1 MONAKHOVA

2 included the money given by him.

3 Q. Did you ever come to understand  
4 what kind of documentation Mr. Avagumyan  
5 had concerning that obligation?

6 A. No.

7 Q. Did you ever see promissory  
8 notes issued in the name of any of the  
9 Avagumyans?

10 A. No.

11 Q. Did you have an understanding of  
12 whether the obligation was owed to  
13 Mr. Avagumyan by Ambika?

14 A. My understanding was that it was  
15 Zheleznyak and Leontiev who owed money to  
16 Avagumyan. I had no understanding through  
17 which of his entities the money was owed  
18 to him. Their entities.

19 Q. Have you ever heard the name  
20 Diana Karapetyan?

21 A. No.

22 MR. KING: Vladimir, could you  
23 show the witness Tab 56. It's a  
24 document that was previously marked  
25 Exhibit 108.

## CERTIFICATION

I, SHARON LENGEL, a Notary Public for  
and within the State of New York, do  
hereby certify:

That the witness whose testimony as  
herein set forth, was duly sworn by me;  
and that the within transcript is a true  
record of the testimony given by said  
witness.

I further certify that I am not  
related to any of the parties to this  
action by blood or marriage, and that I am  
in no way interested in the outcome of  
this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 24th day of January,  
2017.



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SHARON LENGEL, RPR, CRR

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